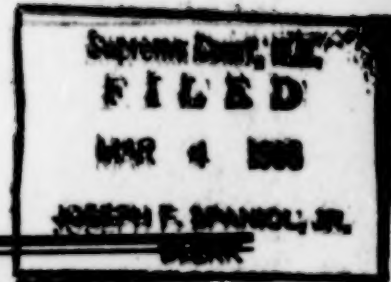


③
No. 87-573



In the Supreme Court of the United States
OCTOBER TERM, 1987

UNITED STATES OF AMERICA, PETITIONER

v.

LARRY LEE TAYLOR

**ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE NINTH CIRCUIT**

JOINT APPENDIX

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PETITION FOR A WRIT OF CERTIORARI
FILED OCTOBER 11, 1987
CERTIORARI GRANTED JANUARY 19, 1988

378

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

No. 84-204

UNITED STATES OF AMERICA

v.

LARRY LEE TAYLOR, DEFENDANT

RELEVANT DOCKET ENTRIES

DATE	DOC. NO.	PROCEEDINGS
1984		
July 25	1	INDICTMENT
July 25	2	ORDER (JLW) DEFT TAYLOR. Fixing bail in the amt of \$25,000.00 c/cs
July 25	3	ORDER (JLW) DEFT ROMANI. Fixing bail in the amt of \$25,000.00
July 25	4	ORDER (JLW) DEFT ANGELI. Fixing bail in the amt of \$25,000.00 c/cs or acceptable property.
July 26	5	PRAECIPE DEFT ANGELI, for a summons. ISSUED.
July 26	6	PRAECIPE DEFT ROMANI, For a summons. ISSUED.
July 26	7	PRAECIPE DEFT TAYLOR, For a summons. ISSUED.

DATE	DOC. NO.	PROCEEDINGS
Aug. 1	8	RETURN On summons executed on 8-1-84.
Aug. 6	9	REQUEST Deft's. for notice.
Aug. 2	10	ENT (JLW) ARRAIGNMENT. DEFT. ROMANI AUSA S. Gustafson, Deft cnsl Judd Iverson Tape # W-710, deft present vol, Court asks deft. true name and age (31), Deft. advises the court he has received a copy of information, deft. waives formal reading of info deft. advised of rights and charges. Deft. entered NOT GUILTY plea to both counts, deft. Trial scheduled b4 BJR on 9-10-84 at 9:00 a.m. PTM to be filed by 8-23-84. Bond 10% of \$25,000 & q parents appear by 8-10-84 re property risks advised, 3 Value of property, under supervision of pre-trial services while set on bond. Matter cont'd to later this same date at 11:30 a.m. pre-trial services report for purposes of setting conditions of release. 8-9-84 Local cnsl & pro hac via application due. deft to meet w/PTS.
Aug. 2	11	APPEARANCE BOND. DEFT. ROMANI
Aug. 9	12	ENT (PKS) ARRAIGNMENT. Def ANGELI AUSA S. Gustafson,

DATE	DOC. NO.	PROCEEDINGS
		deft cnsl Dan Dubitzky, tape # S-604, deft present vol, Court asks deft. true name and age, deft. advises the court he has received a copy of indictment. Deft. waiver formal reading of Indictment. deft. entered not guilty plea to Ct's I & II, Trial scheduled b4 Judge BJR on 9-10-84 at 9:30 a.m. PTM to be filed by 8-23-84. Matter cont'd re: Bond at the end of calendar, Court set PR bond deft. waives right to be present if AUSA Andy Hamilton want to arg PR Bond.
Aug. 9	13	APPEARANCE BOND.
Aug. 9	14	ENT (PKS) ARRAIGNMENT: AUSA Gustafson; Def Cnsl Loveseth; Def TAYLOR not present; Matter continued until 1:30.
Aug. 9	15	ENT (PKS) ARRAIGNMENT: AUSA Dohrmann; Def Cnsl Loveseth; Def pres; Def advised of charges; Def pleads NOT GUILTY to Counts I & II; Trial set BJR 9/10/84 9:00; Motions due 8/23/84; Def placed on PR Bond PRS super. in San Francisco.
Aug. 9	16	APPEARANCE BOND Def Taylor
Aug. 8	17	RETURN of Summons deft ROMANI executed 8-2-84

DATE	DOC. NO.	PROCEEDINGS
Aug. 8	18	RETURN of Summons deft TAYLOR executed 8-2-84
Aug. 13	19	REQUEST DEFT. ROMANI. For notice.
Aug. 15	20	MOTION of Def ANGELI for Continuance of Trial Date (sh)
Aug. 15	**	Lodged Order
Aug. 15	21	MOTION to shorten time on Motion to Continue Trial (sh)
Aug. 15	**	LODGED Order shortening time
Aug. 16	**	LODGED Waiver of speedy trial and order approving waiver and excluding time.
Aug. 23	22	MOTION of Def ROMANI for Discovery & inspection (sh)
Aug. 23	23	NOTICE of Def ROMANI of Motion & Motion for Bill of Particulars (sh)
Aug. 23	24	MEMORANDUM in support of Motions (sh)
Aug. 23	25	JOINDER of Defs ANGELI & TAYLOR in Motions (sh)
Aug. 15	26	APPEARANCE BOND for Def ROMANI
Aug. 23	27	WAIVER of Speedy Trial for Def ROMANI (sh)
Aug. 23	28	WAIVER of Speedy Trial for Def TAYLOR (sh)
Aug. 23	**	LODGED Stipulated Order Continuing Trial Date; Approving Waiver & Excluding Time (sh)

DATE	DOC. NO.	PROCEEDINGS
Aug. 24	29	ORDER (BJR) Trial continued to OCTOBER 17, 1984 as to all defts PTM: 20 SEPTEMBER 1984 Speedy Trial excludable pursuant to 18:3161(h)(8)(a) & as to deft ANGELI 18:3161(h)(8)(b)(iv) EOD: 8/24/84 cc: AUSA def cnsls USPO J&O BJR (pv)
Aug. 27	30	NOTICE DEFT. ROMANI, Of mots for discovery and inspection and bill of particulars and for oral argument.
Aug. 27	31	DEFT. TAYLOR WAIVER Of Constitutional Rights to a speedy trial
Aug. 29	32	NOTICE Of appearance.
Sept. 5	33	ENT (BJR) Cnsl for the govt having represented to the Court that DEFT'S ROMANI'S mot for discovery and inspection and for bill of particulars were not received by him until 8-27-84, the Court orders deft. ROMANI'S mot re-noted for 9-14-84. The govt shall have until 9-10-84 to file responses to the mot.
Sept. 6	34	REQUEST DEFT. ANGELI'S for notice.
Sept. 10	35	RESPONSE Govt's to DEFT. ROMANI'S mot for discovery and inspection.

DATE	DOC. NO.	PROCEEDINGS
Sept. 10	36	RESPONSE Govt's to deft's mot for a bill of particulars.
Sept. 13	37	APPLICATION To appear as cnsl. DEFT. ROMANI.
Sept. 13	38	DECLARATION Of Jeffrey Steinborn.
Sept. 13	**	LODGED Order for Judd C. Iversen to appear as cnsl for DEFT. ROMANI.
Sept. 18	39	PRAECIPE Issue six subpoenas in blank and in dup. ISSUED.
Sept. 19	40	ORDER (BJR) GRANTING Attorney Judd C. Iversen to appear as cnsl for DEFT ROMANI. cc: AUSA, DEFT CNSL,
Sept. 19	41	ORDER (BJR) DENYING Mots for discovery and for bill of particulars. cc: AUSA, DEFT CNSL, (EOD 9-20-84).
Sept. 21	42	MOTION For bill of particulars Noted for 10-5-84 DEFT. ANGELI.
Sept. 21	43	MOTION DEFT. ANGELI'S for severance. Noted for 10-5-84.
Sept. 21	44	MOTION DEFT. ANGELI for production of impeachment information. Noted for 10-5-84.
Sept. 21	45	MEMORANDUM Of points and authorities in support of mot for

DATE	DOC. NO.	PROCEEDINGS
		disclosure of impeachment information. DEFT ANGELI.
Sept. 21	46	DECLARATION (DEFT ANGELI) Of Dan R. Dubitzky in support of mot to produce impeachment information.
Sept. 21	47	MOTION (DEFT ANGELI) to suppress contents of one inside jacket pocket and the fruits thereof
Sept. 21	48	JOINDER In motions of Deft. Angeli.
Sept. 27	**	LODGED Stipulation and order
Oct. 2	49	STIPULATION DEFT. ANGELI. cc: AUSA, DEFT CNSL. (EOD 10- and ORDER (BJR) 2-84).
Oct. 2	50	COVER LETTER Stating deft cnsl has enclosed copies of the waiver of speedy trial as to DEFT ROMANI.
Oct. 2	51	WAIVER OF speedy trial. DEFT. ROMANI.
Oct. 5	52	WAIVER DEFT. ANGELI, Of speedy trial
Oct. 5	53	WAIVER DEFT. ROMANI Of speedy trial.
Oct. 5	54	WAIVER DEFT. TAYLOR Of speedy trial.
Oct. 5	**	LODGED Order continuing trial. DATE.

DATE	DOC. NO.	PROCEEDINGS
Oct. 5	54	ORDER (BJR) Continuing Trial Date til 11/19/84. Cc & Ent. 10/5/84
Oct. 9	55	RECONVEYANCE of DEED OF TRUST for Def ANGELI
Oct. 12	**	LODGED Govts consolidated response to defs' mots
Oct. 15	**	LODGED ORDER for the govt's mot to file consolidated response to deft's mot in excess of 12 pages.
Oct. 15	**	LODGED Order Govts mot to shorten time for hearing
Oct. 15	56	MOTION Govts to shorten time for hearing Noted 10-17-84.
Oct. 15	57	MOTION Govts to file consolidated response to defts mot in excess of twelve pages. Noted for 10-26-84.
Oct. 17	58	ORDER (WTM) The date of 10-17-84 is set for hearing the govts mot to file consolidated response to defts' mot in excess of 12 pages. cc: AUSA, DEFT CNSL, (EOD 10-17-84.
Oct. 17	59	ORDER (WTM) Govts mot to file consolidated response to defts mot in excess of 12 pages cc: AUSA, DEFT CNSL. (EOD 10-17-84).
Oct. 17	60	RESPONSE Govts' consolidated response to defts mots.

DATE	DOC. NO.	PROCEEDINGS
Oct. 31	61	ORDER (BJR) DENYING DEFT. ANGELI'S mot for severance and GRANTING leave to refile. cc: AUSA, DEFT CNSL USPO, (EOD 10-31-84).
Oct. 31	62	ORDER (BJR) DENYING DET. ANGELI'S mot for bill of particulars and for production of impeachment information. cc: AUSA, DEFT CNSL, USPO. (EOD 10-31-84).
Oct. 30	63	ENT (BJR) The Court orders a hearing scheduled on DEFT ANGELI'S mot to suppress for Fri 11-9-84 at 10:30 a.m.
Oct. 31	64	RETURN On subpoena issued to Rose Van Anken unexecuted
Nov. 9	65	ENT (BJR) HEARING ON DEFT'S ROMANI and ANGELI TO SUPPRESS AUSA Tom Wales, Deft Judd Iverson and Dan Dubitzky, CR Joe ROTH, DEFT ANGELI is present on bond, and represented by cnsl. The Court notes the absence of DEFT ROMANI, whose cnsl indicates that Mr. Romani was aware of both the time and place of the hearing and that Mr. Romani's absence is due to flight connections from San Francisco. The Court GRANTS

DATE	DOC. NO.	PROCEEDINGS
		Mr. Iverson's mot to exclude witnesses from the court room. The govt's witness, is sworn and testifies. Mr. Romani arrives 10 minutes into Ms. Schumate's testimony and is present for the remainder of these proceedings. Deft's exhibit #1 is marked and admitted. Deft's witness, is sworn and testifies. After hearing the closing arg of cnsl, the court DENIES the mot to suppress. The Court takes Mr. Wales' mot to provide for search of DEFT'S TAYLOR and ROMANI prior to each court proceeding under advisement. Mr. Wales will provide an affidavit pertaining to this mot to the court <i>in camera</i> or a mot to detain the deft's.
Nov. 9	66	RETURN On subpoena issued to John Policano, Custodian of records. executed on 11-6-84.
Nov. 14	67	PRAECIPE Issue in duplicate and in blank 50 Subpoenas.
Nov. 13	68	TRIAL BRIEF Govt's.
Nov. 14	69	REQUESTED VOIR DIRE DEFT. ANGELI'S questions.
Nov. 14	70	JURY INSTRUCTIONS DEFT. ANGELI'S w/citations.

DATE	DOC. NO.	PROCEEDINGS
Nov. 15	71	REQUESTED INSTRUCTIONS Pltfs.
Nov. 16	72	MOTION DEFT. ANGELI. In limine.
Nov. 16	73	SUBPOENA Issued to Ursula Elbert executed on 11-8-84 Issued to Richard Rosinia executed on 10-31-84 Issued to Lauren Haugen executed on 11-13-84 Issued to Yolanda Parker executed on 11-10-84 Issued to Robert Dale Goldthwaite executed on 11-10-84, Issued to Marvel Laurelle Taylor executed on 11-10-84, Issued to Margaret Lee executed on 1-9-84.
Nov. 19	74	ENT (BJR) AUSA T. Wales, Deft Cnsl Ian Loveseth DEFT TAYLOR fails to appear Trial; the Court directs the Clerk to issue a warrant for DEFT TAYLOR's arrest. cc: all cnsl of record, usmo, (EOD 11-19-84) WARRANT ISSUED. cc: USPO
Nov. 19	75	INFORMATION DEFT. ANGELI.
Nov. 19	76	PLEA AGREEMENT. DEFT. ANGELI
Nov. 19	77	MOTION DEFT. ROMANI, For dismissal or, in the alternative, for exclusion of testimony and sanctions against the govt for violation of deft's attorney/client privilege.

DATE	DOC. NO.	PROCEEDINGS
Nov. 19	78	MOTION In limine. DEFT. ROMANI.
Nov. 19	79	MOTIONS For severance. DEFT TAYLOR.
Nov. 19	80	VOIR DIRE DEFT. TAYLOR'S proposed questions.
Nov. 19	81	ENT (BJR) FIRST DAY OF TRIAL. AUSA, T. Wales, Deft Cnsl's for deft ROMANI J. Iverson present and deft cnsl for deft TAYLOR I. Loveseth present. CR Joe Roth, Deft. TAYLOR fails to appear. the Court directs the clerk to issue a warrant for Mr. Taylors arrest: the warrant is issued. Deft. ROMANI present, on bond, and represented by cnsl. The Court hears argument on the pending mot in this matter and the following briefing schedule is ordered as to DEFT ROMANI'S to dismiss: the govt will file its response to deft ROMANI'S mot by 11-28-84, DEFT ROMANI will file his reply no later than 12-3-84, this mot is noted on the court's calendar for 12-7-84 at 10:30 a.m. Upon deft's representation that he will file a waiver of speedy trial, trial in this matter is cont'd to Mon. 1-14-85 at 9:30 a.m. Cnsl will prepare a pro-

DATE	DOC. NO.	PROCEEDINGS
		posed order continuing trial for the Court's signature. The Court will anticipate receiving both of these documents at the earliest possible date. Deft ROMANI remains at liberty on bond pending trial.
Nov. 19	82	ENT (BJR) REVISION OF PLEA. DEFT ANGELI. AUSA T. Wales, Deft cnsl D. Dubitzky, CR Joe Roth, Deft is present, on bond, and represented by cnsl. The Court informs the deft of her rights and of the charge against her. The deft. is sworn and questioned by the court. The court revises the superseding information file by the govt and the plea agreement submitted by the parties. Mr. Wales presents the govt's offer of proof. After finding the deft competent to enter a plea, that the deft did commit the crime charged in the information, and that the deft is making her plea vol, the court accepts and enters deft's plea of GUILTY. Sent in this matter is scheduled for Fri. 1-4-84 at 9:30 a.m.
Nov. 21	83	RETURN On subpoena issued to Joseph Cannon returned unexecuted.

DATE	DOC. NO.	PROCEEDINGS
Nov. 19	84	JOINER DEFT. TAYLOR, hereby joins in all mots. filed on behalf of DEFT. ROMANI.
Nov. 23	85	RETURN On subpoena issued to Michael H. Metzger, Esq. executed on 11-14-84.
Nov. 29	**	LODGED Stipulated Order continuing trial date: approving waiver and excluding time.
Nov. 29	86	WAIVER ROMANI, Of constitutional rights to a speedy trial.
Nov. 29	87	RETURN On subpoena issued to Randy DeCuyper, returned unexecuted. on 11-23-84.
Nov. 29	88	RETURN On subpoena issued to James Chapman, returned unexecuted.
Nov. 29	89	LETTER Re: govt's response to deft's mot.
Nov. 30	90	response govt's consolidated to deft's mot for dismissal and mot in limine.
Dec. 3	91	STIPULATED ORDER (DSV) Continuing trial date; approving waiver and excluding time. TRIAL TO 1-14-84. IT IS FURTHER ORDERED that the govt's response to deft's mot be filed by 11-28-84. The Court hereby approves the Waiver of Speedy Trial

DATE	DOC. NO.	PROCEEDINGS
		filed by DEFT. ROMANI and orders excluded, time period from this day forward until 1-14-85 DEFT'S ROMANI and TAYLOR. cc: AUSA, DEFT CNSL (EOD 12-4-84).
Dec. 7	92	LETTER Re: documents filed.
Dec. 7	93	CERTIFICATE Of service.
Dec. 7	94	MOTION DEFT. ROMANI for evidentiary hearing.
Dec. 7	95	DECLARATION Of Judd C. Iversen in support of DEFT ROMANI'S reply to govt's response to mot for dismissal.
Dec. 7	96	MOTION To compel disclosure of United States Attorney's jury selection data; Memo of points and authorities in support thereof.
Dec. 7	97	REPLY DEFT's to govt's response to mot for dismissal.
Dec. 5	98	ENT (BJR) IN CHAMBERS. The court has reviewed <i>in camera</i> the PSR of Steven Cannon. The govt represents that it will disclose to defts the written stmt of Mr. Cannon contained in the report. The court is satisfied that the remaining portions of the report contain no Brady or Jencks material and therefore need not be provided to defts.

DATE	DOC. NO.	PROCEEDINGS
Dec. 14	99	ENT (BJR) DEFT ROMANI. PRE-TRIAL CONFERENCE. AUSA T. Wales, Deft Cnsl Judd Iverson, CR Joe Roth, Deft ROMANI's mot to dismiss the indictment is DENIED. The court finds that a hearing regarding attorney-client privilege is unnecessary. The court declines to review Mr. Metzger's affidavit; the affidavit will be returned to Mr. Metzger. The court DENIES DEFT. ROMANI's mot to compel the govt to provide its Jury book to the deft.
Dec. 11	100	RETURN On subpoena issued to James Chapman, executed on 12-4-84.
Dec. 20	101	ENT (BJR) at cnsl request, sentencing cont. to 18 JANUARY 1985 at 9:30 am for deft ANGELI (pv)
Dec. 26	102	RESPONSE Gov't to deft ROMANI's mtn re: jury selection data (pv)
1985		
Jan. 3	103	RETURN On subpoena issued to DEFT ANGELI. EXECUTED On 12-19-84.
Jan. 7	104	TRIAL BRIEF Govt's supplemental.

DATE	DOC. NO.	PROCEEDINGS
Jan. 8	105	RETURN On subpoena issued to Ursula Elbert executed on 12-26-84.
Jan. 14	106	ENT (BJR) The affidavit of Michael H. Metzger will neither be reviewed nor considered by this court. the Clerk of Court will place Mr. Metzger's affidavit and the accompanying letter under seal.
Jan. 14	107	MOTION In Limine to Exclude hearsay. DEFT ROMANI
Jan. 14	108	LETTER From Michael H. Metzger to HON. BJR. THIS DOCUMENT IS UNDER SEAL.
Jan. 14	109	DECLARATION Of Michael Metzger. THIS DOCUMENT IS UNDER SEAL.
Jan. 15	110	ENT (BJR) PRETRIAL CONFERENCE. DEFT. ROMANI AUSA T. Wales, Deft Cnsl J. Iverson, CR Joe Roth, The court hears the motions in limine of the govt. and of the deft. Deft's mot re: the testimony of Ann Angeli is taken under advisement. FIRST DAY OF JURY TRIAL AUSA T. Wales, Deft Judd Iverson, CR Joe Roth, The Deft is presented on bond, and represented by cnsl. The prospective jurors are sworn and voir dire pro-

DATE	DOC. NO.	PROCEEDINGS
		ceeds. Jurors are excused for cause. The following jurors are sworn and empanelled: Cnsl present their opening stmts Pltfs witnesses are sworn and testify. The stipulation of cnsl is read to the jury. Exhibits are marked and admitted. Cnsl for the govt will substitute the contents of exhibit #9 (cocaine) with some substance of similar appearance but which is not a controlled substance. Further trial is cont'd to TUES 1-15-85 at 9:30 a.m.
Jan. 15	111	DECISION DEFT ROMANI not to testify.
Jan. 15	112	CHALLENGES For cause. none. Govt's
Jan. 15	113	CHALLENGES For cause. none Govt's.
Jan. 15	114	PEREMPTORY Challenges of jurors. Deft's. ROMANI.
Jan. 15	115	PEREMPTORY Challenges of jurors. Govt's.
Jan. 14	116	RETURN On subpoena issued to Marvel Laurelle Taylor executed on 1-3-85, issued to Robert Dale Goldthwaite executed on 1-3-85.
Jan. 15	117	ENT (BJR) SECOND DAY OF JURY TRIAL. DEFT. ROMANI AUSA T. Wales, Deft Cnsl J. Iver-

DATE	DOC. NO.	PROCEEDINGS
		son, The deft is present, on bond, and represented by cnsl. The testimony of pltfs witness continues and concludes. Pltfs witnesses are sworn and testify. Exhibits are marked and admitted. Further trial in this matter is continued to Wed 1-16-85 at 9:30 a.m. the deft remains at liberty on bond.
Jan. 15	118	INSTRUCTIONS Court's to the jury.
Jan. 15	119	JURY INSTRUCTIONS Deft's proposed.
Jan. 15	120	EXHIBIT LIST Govt's
Jan. 15	121	WITNESS LIST Govt's.
Jan. 15	122	EXHIBIT LIST Deft's.
Jan. 15	123	JURY SEATING CHART.
Jan. 16	124	ENT (BJR) THIRD DAY OF JURY TRIAL. DEFT ROMANI AUSA T. Wales, Deft cnsl J. Iverson, CR J. Roth, The deft is present, on bond, and represented by cnsl. The testimony of pltf's witness continues and concludes. The govt rests its case in chief. Deft's witnesses are sworn and testify. The deft rests. The govt re-calls Steven Cannon, Joseph Cannon and Kurt Jepson on rebuttal. Deft's mot for a judgment of acquittal is denied. After hearing ex-

DATE	DOC. NO.	PROCEEDINGS
		ceptions to jury instructions, the court instructs the jury and cnsl present their closing args. The jury retires to deliberate until 9:00 a.m on Thurs. 1-17-85.
Jan. 17	125	ENT (BJR) FOURTH DAY OF JURY TRIAL. DEFT ROMANI. AUSA T. Wales. Deft Cnsl J. Iverson, CR J. Roth The deft is present, on bond, and represented by cnsl. The jury returns from deliberations with a verdict of GUILTY to Cts I & II of the Indictment. The court thanks and excuses the jurors. The court rules that Mr. Romani will remain at liberty on bond pending sentencing in this matter is scheduled for Fri. 3-8-85 at 9:30 a.m. The court GRANTS the deft's mot for an extended time in which to file his mot for a new trial; the mot will be filed no later than 2-8-85.
Jan. 18	126	ENT (BJR) SENTENCING, DEFT. ANGELI AUSA T. Wales, Deft cnsl D. Dubitzky, CR J. Roth. The deft is present, on bond, and represented by cnsl. After hearing the stmnts of cnsl. and on the deft. the court defers proceedings in this matter and places the deft on

DATE	DOC. NO.	PROCEEDINGS
		1 yr probation. The Court further orders that any violation of the terms of probation will result in the entry of a judgment of GUILTY in this matter. The Court GRANTS the govt's mot that the original indictment filed in this matter be dismissed as to DEFT. ANGELI.
Jan. 17	127	ORDER (BJR) The Clerk of U.S. District Court pay for the meals of said jurors and said bailiff (s) at the expense of the U.S. Courts. cc: FINANCIAL CLERK (EOD 1-21-85).
Jan. 17	128	VERDICT. DEFT ROMANI. GUILTY of the crime charged in Ct I of the Indictment. and GUILTY in Ct II of the Indictment.
Jan. 23	**	LODGED Judgment and order of probation. DEFT ANGELI
Apr. 11	149	RULE 40 PAPERS from Northern Dist of California deft TAYLOR a) Commitment to Another Dist. cert. cc b) Minute Entry re: commitment to W.D. Wash c) Order & Return directing exam of deft by physician d) Minute Entry re: court directing exam

DATE	DOC. NO.	PROCEEDINGS
		e) Affidavit of U.S. Marshal f) Docket sheet cert cc ***end deft TAYLOR Rule 40 papers***
Apr. 24	151	SUPERSEDING INDICTMENT. DEFT TAYLOR.
Apr. 24	152	ORDER (JLW) Continuing deten- tion. DEFT TAYLOR.
Apr. 25	153	LETTER From AUSA T. Wales. advising deft cnsi Loveseth that DEFT TAYLOR is to appear for arraignment and plea b4 MAG PKS on 5-2-85 at 9:00 a.m.
Apr. 26	154	ENT (BJR) TELEPHONE CON- FERENCE - Def TAYLOR Ct. III of Indictment is severed from Cts. I & II; Trial on Cts. I & II set 5/20/85 9:30; Pretrial Motions due 5/3/85, responses due 5/10/85; Motion of Def re: Speedy Trial due 5/10/85. (sh)
Apr. 30	155	2nd SUPPLEMENTAL TRIAL BRIEF - of Plf (sh)
May 7	156	MOTION deft TAYLOR hearing outside jury noted: 5/17/85 (pv)
May 7	157	MEMORANDUM deft TAYLOR support mtn hrg out. jury (pv)
May 7	158	MOTION deft TAYLOR determine admis. statements noted: 5/17/85
May 7	159	MEMORANDUM deft TAYLOR support mtn determine admis statements (pv)

DATE	DOC. NO.	PROCEEDINGS
May 7	160	MOTION deft TAYLOR exclude testimony re: witness statements noted: 5/17/85 (pv)
May 7	161	RESERVATION deft TAYLOR right to challenge admis & request discovery (pv)
May 7	162	PROOF OF SERVE documents 156 - 161 (pv)
May 9	163	ENT (BJR) Trial is cont'd to Mon 6-17-85 at 9:30 a.m.
May 13	164	RESPONSE of Plf to Def's Motions re: Admissibility of Statements
May 14	166	PRAECIPE for Subpoenas. Issd.
May 15	167	ENT (BJR) DEFT TAYLOR, The court will deem defts mot re speedy trial, due on 5-10-85 and received by the Clerk of Court on 5-15-85 to be timely filed.
May 15	168	MOTION DEFT TAYLOR to dis- miss indictment for violation of speedy trial act. MEMORANDUM of points and authorities in support thereof.
May 15	169	DECLARATION Of Ian Loveseth in support of mot to dismiss In- dictment for violation of Speedy trial act.
May 15	170	REQUEST For hearing on speedy trial mot. DEFT TAYLOR.

DATE	DOC. NO.	PROCEEDINGS
May 20	171	DECLARATION Supplemental and attachments.
May 20	172	RETURN On subpoena issued to Robert Dale Goldthwaite executed on 5-8-85, issued to DUSM Custodian of records. executed on 5-13-85. issued to DUSM Custodian of records executed on 5-13-85. issued to Marvel Laurelle Taylor executed on 5-8-85.
May 28	* * *	LODGED DEFT TAYLOR Stipulation and order.
May 24	173	RETURN On Subpoena issued to James Chapman executed on 5-15-85. issued to Ursula Elbert executed on 5-14-85.
May 24	174	RETURN On subpoena issued to James Chapman executed on 5-15-85
June 4	175	STIPULATION AND ORDER (BJR) DEFT TAYLOR cc: AUSA, DEFT cncl. (EOD 6-4-85)
June 4	176	ORDER (BJR) DEFT TAYLOR DENTING deft's mots concerning admissibility of stmnts under FRE and acts under FED. R. EVID. 404 (b). Deft's mot to exclude testimony concerning stmnts made by unavailable witnessess DENIED. Deft's mot for hearing outside presence of the jury to determine

DATE	DOC. NO.	PROCEEDINGS
		admissibility of 801 (d) (2) (E) stmnts. DENIED. Deft's mot for hearing outside presence of the jury DENIED. cc: AUSA, DEFT CNSL. (EOD 6-5-85).
June 5	177	RESPONSE Govt's to deft's mot to dismiss indict for violation of speedy trial act.
June 5	180	LETTER From AUSA advising deft cnsl Loveseth for DEFT TAYLOR that deft is to appear for arraignment and plea on 6-13-85 b4 Mag PKS at 9:00 a.m.
June 7	181	ENT (BJR) DEFT ROMANI SENTENCE AUSA T. Wales, Deft Cnsl Judd Iverson, CR J. Roth, deft present, on bond and represented by cnsl. After hearing the stmnts of cnsl the court imposes the following sent. SENTENCE 3 yrs in the custody of of Atty Gen COUNT I 5 yrs special parole term. COUNT II as above, to run concurrently w/Ct I. The deft's mot to remain at liberty on bond pending appeal is DENIED. the deft shall self-report to his place of incarceration at the direction of USPO. The court declines to specify a particular institution

DATE	DOC. NO.	PROCEEDINGS
		but will recommend the deft serve his sent in an area close to his family. Mr. Iverson's mot to be allowed to withdraw as cnsl is DENIED. The deft remains at liberty pending reporting.
June 11	182	ORDER (BJR) DEFT TAYLOR Re further briefing on speedy trial mot. The govt shall file its supplementary brief by Mon 6-17-85. deft shall respond by Mon 6-24-85 and deft's mot is RENOTED to Fri 6-28-85. cc: AUSA, DEFT CNSL. (EOD 6-11-85).
June 12	183	ENT (BJR) The trial date of 6-17-85 is VACATED to be rescheduled at a later date.
June 13	184	ENT (PKS) ARRAIGNMENT. DEFT TAYLOR AUSA, S. Dohrmann, Deft Cnsl D. Mid-daugh tape # S-718, deft present in custody, Deft advises the court he has received a copy of the superseding indict, Deft waives formal reading. Deft advised of charge, Deft entered NOT GUILTY plea to Ct III of the superseding Indict Trial scheduled b4 HON BJR on 8-19-85 at 9:30 a.m. Deft waives 30 day trial limit.
June 11	185	MOTION Gov't for temp release of certain trial exhibits. Noted for 6-21-85.

DATE	DOC. NO.	PROCEEDINGS
June 11	* * 8	LODGED Order for temp release of exhibits.
June 11	186	MOTION Gov't to shorten time Noted 6-14-85
June 11	* * *	LODGED Order shortening time.
June 17	188	RESPONSE Gov't supplemental to deft's speedy trial mot.
June 17	189	ORDER (BRJ) Exhibits 1, 2, 4, 6, 8, (a)-(c), 9-15 & 17 may be released to the U.S. for use at trial of coedfendant TAYLOR. cc: AUSA, DEFT CNSL. (EOD 6-18-85).
June 24	191	DECLARATION of Ian G. Loveth
June 24	192	SUPPL. BRIEF of Def TAYLOR Re: Speedy Trial Motion
July 15	194	ARREST WARRANT of Def. TAYLOR. Executed 3-6-85.
July 18	195	ADDENDUM to Gov't Supplemental Response to Def's Speedy Trial MO.
Aug. 2	197	ORDER (BJR) Def TAYLOR, Granting in part & denying in part Def's MO to Dismiss for STA Violations. Cc & Ent. 8-2-85: AUSA, Def Cnsl.
Aug. 7	198	NOTICE of Gov't of intent to use Def's Statements.
Aug. 7	199	REQUEST of Gov't for Pretrial Discovery.

DATE	DOC. NO.	PROCEEDINGS
Aug. 7	200	REQUEST of Gov't for notice of Dense of Insanity or Diminished Capacity.
Aug. 12	201	TRIAL BRIEF of Gov't
Aug. 13	202	SUPPLEMENTAL TRIAL BRIEF of Gov't.
Aug. 19	203	FINANCIAL AFFIDAVIT
Aug. 19	204	ORDER (PKS) Appointing Cnsl.
Aug. 19	205	ENT (BJR) Def Cnsl Loveseth failed to appear for revision of plea. Continued to 8-23-85, 3:00 p.m.
Aug. 21	206	ENT (BJR) Order appointing Cnsl (PKS) for Def TAYLOR is VACATED. Mr. Robert Wayne will appear @ revision of plea set 8-23-85, 3:00 p.m. w/Mr. Loveseth.
Aug. 23	207	ENT (BJR) REVISION OF PLEA: Def TAYLOR AUSA T. Wales; Def Cnsl Robert Wayne; CR Don Philpott. Def advised or rights & charges. Def pleads GUILTY to Ct. III of Indictment. Sentencing set 10-4-85, 9:30 a.m.
Aug. 23	208	SUBPOENA Judd Iversen (Def TAYLOR)
Aug. 28	209	RETURN by Marshal on J&C.
Aug. 30	210	NOTICE OF APPEAL of Plf. Def. TAYLOR
Sept. 3	***	Notice of Appeal sent to CCA

DATE	DOC. NO.	PROCEEDINGS
Sept. 5	213	MO of Ian Loveseth for Leave to Proceed Pro Hac Vice. Ntd 9-27-85, I:
Sept. 20	217	ORDER (JLW) Appointing Cnsl.
Sept. 25	218	SUBPOENAS Ian Loveseth, Unexecuted.
Sept. 27	219	ENT (BJR) Mr. Loveseth's MO for leave to appear pro hac vice GRANTED.
Sept. 30	221	SENTENCING MEMO
Oct. 4	223	ENT (BJR) SENTENCING: Def TAYLOR's guilty plea to Ct. III: AUSA T. Wales; Def Cnsl I. Loveseth; PO R. Wayne; CR M. Ferrell. Def's MO to strike portions of presentence report GRANTED in part & DENIED in part. 5 yrs. jail, w/credit for time served. \$50 fine. Court recommends any parole will include provisions prohibiting contact between Def & Marvel Taylor & Robert Goldthwaite. Def's MO for sent. subsection (b) DENIED.
Oct. 11	***	Lodged J & C. Def TAYLOR
Oct. 15	225	JUDGMENT & COMMITMENT Def TAYLOR. Cc & Ent. 10-15-85.
Oct. 15	226	ORDER (BJR) Authorizing Payment of Cnsl.

DATE	DOC. NO.	PROCEEDINGS
Oct 22	236	ORDER (BJR) Authorizing Payment of Transcript. Def. TAYLOR
Nov. 15	237	ORDER (CCA) that CR file transcripts/MC for extension of time w/in 7 dys.
Nov. 18	238	TRANSCRIPT DESIGNATION & Ordering of Appellant
Feb. 12	246	MO of Def TAYLOR to Reduce Sent. Ntd 2-21-86 (Cnsl advised)
Feb 12	247	DECLARATION in support of MO of Def TAYLOR
Mar. 8	250	ORDER (CCA) Certificate of Record to be sent & setting sched. Def TAYLOR
Mar. 20	251	DESIGNATION of Clerk's Record as to Def TAYLOR (Appellee)
Apr. 21	252	ORDER (CCA) GRANTING Appellee's MO for extension of time til 4-21-86 to file answering brief. Def. TAYLOR
Apr. 24	253	DESIGNATION of Clerk's Record from Appellee as to Def TAYLOR
Apr. 24	* *	Sent Clerk's Record to CCA as to Def TAYLOR
May 1	* *	Sent Clerk's Record to CCA as to Def TAYLOR
Sept. 24	255	SUBPOENA R.A. Daniel, Exec. 5-29-85, Def TAYLOR

DATE	DOC. NO.	PROCEEDINGS
1987		
July 23	259	ORDER (BJR) DENYING Def TAYLOR's Rule 35 Mtn. Cc & Ent. 7-23-87

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

85-0201M-01

UNITED STATES OF AMERICA

v.

LARRY LEE TAYLOR, DEFENDANT

RELEVANT DOCKET ENTRIES

DATE	DOC. NO.	PROCEEDINGS
03/05/85	1	Filed affidavit in removal proceedings (Rule 40) (MAGISTRATE BRENNAN) (Dkt'd 03/11/85).
03/06/85	2	Magistrate's criminal minutes filed, (TAPE 85-8) (MAGISTRATE BRENNAN) (Dkt'd 03/11/85). US Attorney SCHOGGEN, LEIDAR added to case (MAGISTRATE BRENNAN) (Dkt'd 03/11/85). Attorney STEPANIAN, MICHAEL added to case (MAGISTRATE BRENNAN) (Dkt'd 03/11/85). Defendant's first appearance (MAGISTRATE BRENNAN) (Dkt'd 03/11/85). Status hearing set for 03/08/85 @ 9:30 AM (FOR RULE 20 OR 40 STATUS) (MAGISTRATE BRENNAN) (Dkt'd 03/11/85).

DATE	DOC. NO.	PROCEEDINGS
03/08/85	3	Magistrate's criminal minutes filed. (TAPE 85-11) (MAGISTRATE BRENNAN) (Dkt'd 03/11/85). Status hearing held (MAGISTRATE BRENNAN) (Dkt'd 03/11/85). Status hearing continued to 03/18/85 @ 9:30 AM (RE: RULE 20 STATUS) (MAGISTRATE BRENNAN) (Dkt'd 03/11/85).
	4	Order psychiatric/physical evaluation/examination (MAGISTRATE BRENNAN) (Dkt'd 03/11/85). Mark the beginning of a potential excludable period of type X-A starting on 03/08/85 ((In re ORD-PSYXM on 3/8/85)) (Dkt'd 03/11/85).
03/11/85	5	-ORDER REGARDING PHYSICAL EXAMINATION RETURNED EXECUTED ON 3/8/85 (Dkt'd 03/12/85).
03/18/85	6	Magistrate's criminal minutes filed. (TAPE 85-17) (MAGISTRATE BRENNAN) (Dkt'd 03/20/85). Status hearing held (RE: RULE 40 STATUS) (MAGISTRATE BRENNAN) (Dkt'd 03/20/85). Removal hearing set to 04/03/85 @ 9:30 AM (MAGISTRATE BRAZIL) (Dkt'd 03/20/85).

DATE	DOC. NO.	PROCEEDINGS
04/03/85	7	Magistrate's criminal minutes filed, (TAPE 85-11/12) (MAGISTRATE BRAZIL) (Dkt'd 04/08/85). Removal hearing waived (MAGISTRATE BRAZIL) (Dkt'd 04/08/85). Order defendant removed to other district (Rule 40) 0981 (MAGISTRATE BRAZIL) (Dkt'd 04/08/85).
	8	Warrant of removal of defendant (Rule 40) issued (MAGISTRATE BRAZIL) (Dkt'd 04/08/85).

Supreme Court of the United States

No. 87-573

UNITED STATES, PETITIONER

v.

LARRY LEE TAYLOR

ORDER ALLOWING CERTIORARI. Filed January 19, 1988.

The petition herein for a writ of certiorari to the United States Court of Appeals for the Ninth Circuit is granted.